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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 21

Application Number: 09/574,277
Filing Date: May 19, 2000
Appellant(s): MULLER, KLAUS

FCI USA, Incorporated

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 6, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect.

-- The rejection of Claims 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Shuey et al. (4,477,022), in view of Clark et al. (5,913,691) has now been withdrawn.

Claims 4 and 5 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

-- A correct statement of the status of the claims is as follows:

-- Claims 1-9 are pending in this application.

-- Claim 3 is allowed.

-- Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Shuey et al. (4,477,022).

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-- Claims 2 and 4-9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the rejection of claims 4 and 5 has been withdrawn and the claims are now objected to.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4,477,022

Shuey et al.

10-1984

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Shuey et al. (4,477,022).

-- In reference to claim 1, Shuey shows an electrical plug connectors with a cylindrical plug (38), a counter-plug (98) which is complementary to plug (38), a bayonet ring (82) which is rotatable about the housing (64; column 3, lines 22-25) of the counter-plug (98) for locking the plug (38) into the counter-plug (98), characterized by the fact that the bayonet ring (82) for the locking of the plug connector in the direction of plug insertion can be pushed onto the housing (16) of the plug (38) until at least one locking device (84) of the bayonet ring (82) interlocks with the plug housing (16) and that the bayonet ring (82) for the unlocking of the plug connector can be rotated about the counter-plug housing (64).

(11) Response to Argument

-- Appellant's arguments are convincing in pointing out that Clark does not disclose or suggest an outward pointed pin on a bayonet ring. The rejection of claims 4 and 5 is withdrawn. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- In response to appellant's argument of the rejection of claim 1 (Appeal Brief, page 4, line 15) concerning that it is impossible to push the metal ring of Shuey on the housing, the examiner disagrees.

The relevant claim language (lines 9-11 of claim 1) is "can be pushed on a housing of the plug until at least one locking device of the bayonet ring interlocks with the plug housing".

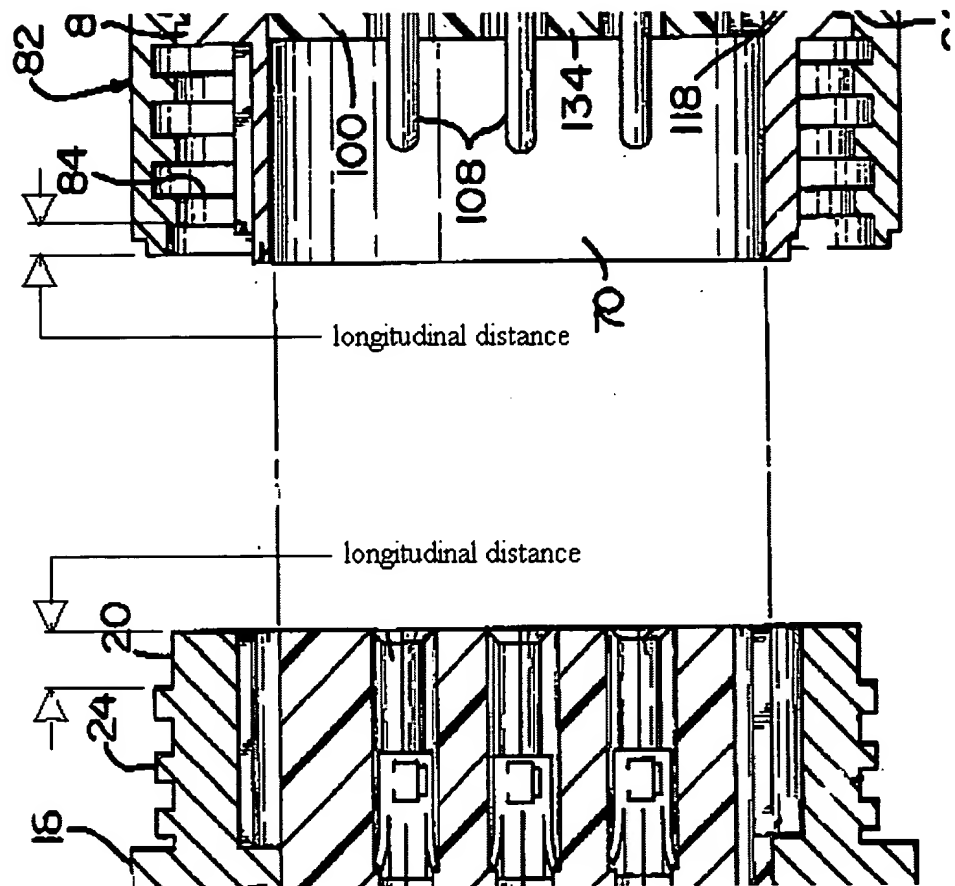
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Shuey shows a bayonet ring 82 (figure 1) that “can be pushed” on a housing 16 of the plug 38 until at least one locking device 84 of the bayonet ring 82 interlocks with the plug housing 16.

The longitudinal distance (please see examiner’s figure below) between the mating end of the housing 16 and the threads 24 of the housing 16 is the distance that the bayonet ring 82 can be “pushed on the housing 16”.

Even if the argument concerning the function of Shuey’s bayonet ring 82 was simplified to the three word limitation of claim 1, line 10, “on a housing 16”, the longitudinal distance (please see examiner’s detail of Shuey’s figure 2 below) of the bayonet ring 82 is pushed on the longitudinal distance (please see examiner’s figure below) of the housing 16 (claim 1, lines 10 and 11).

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-- In response to appellant's argument (page 4, lines 21-22) concerning the ring (82) in Shuey et al. can not be pushed on the housing in the direction of insertion. The bayonet ring (82) that is taught by Shuey has a longitudinal distance (see examiner's figure) that is pushed over the longitudinal distance of the housing (16).

-- In response to appellant's argument (page 4, lines 24-25) concerning that the threads on threaded ring prevent the ring from being pushed on the housing 16 in the direction of insertion, the threads are behind the longitudinal distance (examiner's figure) and it is that longitudinal distance the meets the claim limitation "pushed on a housing". Appellant's claim does not address threads.

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-- In response to appellant's argument (page 5, line 1) concerning merely pushing the ring against the housing interlocks nothing, the bayonet ring 82 and the locking device 84 are pushed over the longitudinal distance of the plug housing 16 (see examiner's figure) until the "locking device 84" (claim 1, line 10) bumps against the threads 24. Then, *while still pushing*, the bayonet ring 82 is pushed and rotated "until at least one locking device 84 of the bayonet ring 82 interlocks (the threads (column 3, lines 24-25)) with the plug housing 16" (claim 1, line 10). Since the claim does not address rotation (does not eliminate rotating), the act of pushing while rotating is seen to anticipate the claim limitations.

- If the plug housing 16 was set one inch from the bayonet ring 82, the simple rotating of Shuey's bayonet ring 82 would not bring the bayonet ring 82 and plug housing 16 together until some force pushes the bayonet ring 82 in the direction of the housing 16 and pushes the bayonet ring 82 beyond the longitudinal distance (see examiner's figure) of the plug housing 16.

While it is true that Shuey requires rotation to complete the interlocking function, the rotation function without the pushing function will not bring the elements together. The claim language contains no limitations eliminating the combination of pushing while rotating.

It is the examiner's opinion that in order for the bayonet ring 82 to be on the housing 16, some force must be applied. The bayonet ring is capable of being "pushed on the housing"; therefore, it meets the claim limitation of "can be pushed on the housing".

- For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



James R. Harvey, Examiner


jrh

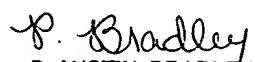
September 23, 2002

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